

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

HASON CLEVELAND,

Plaintiff,

v.

CIVIL ACTION NO. 2:22-cv-00068

BETSY JIVIDEN, et al.,

Defendants.

ORDER

By standing order entered on January 4, 2016, and filed in this case on February 10, 2022, (ECF No. 2), this matter was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition (“PF&R”). Magistrate Judge Tinsley filed his PF&R on May 9, 2024, recommending that this Court dismiss this action for failure to prosecute because Plaintiff has not paid a filing fee, nor has he filed an application to proceed without prepayment of fees, as required by Magistrate Judge Tinsley’ Order and Notice. (ECF No. 4.) This Order and Notice required Plaintiff to either pay the necessary filing fee or file an application to proceed without prepayment of fees by May 30, 2023, and it further notified Plaintiff that failure to comply would result in Magistrate Judge Tinsley submitting a recommendation that this matter be dismissed. (ECF No. 3.)

This Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the PF&R to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a

waiver of *de novo* review and Plaintiff's right to appeal this Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R were due on May 28, 2024. (ECF No. 4.) To date, Plaintiff has not filed any objections in response to the PF&R. He has thus waived his right to *de novo* review. Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 4), and **DISMISSES** this action **WITHOUT PREJUDICE** for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Court further **DIRECTS** the Clerk to remove this matter from the Court's docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to the Defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: June 6, 2024



THOMAS E. JOHNSTON, CHIEF JUDGE